

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 143

Introduced by Senator Cedillo

February 11, 2009

~~An act to amend and renumber the heading of Article 2 (commencing with Section 25395.115) of Chapter 6.83, and to repeal Article 8 (commencing with Section 25395.109) of Chapter 6.82, and Article 1 (commencing with Section 25395.110) of Chapter 6.83, of Division 20 of;~~ *An act to amend Sections 25395.109 and 25395.110 of the Health and Safety Code, relating to hazardous materials.*

LEGISLATIVE COUNSEL'S DIGEST

SB 143, as amended, Cedillo. Hazardous materials: California Land Reuse and Revitalization Act of 2004.

The California Land Reuse and Revitalization Act of 2004 provides, among other things, that an innocent landowner, bona fide purchaser, or contiguous property owner, as defined, qualifies for immunity from liability from certain state laws for pollution conditions caused by a release or threatened release of a hazardous material if specified conditions are met. The act prohibits an agency, defined as the Department of Toxic Substances Control, the State Water Resources Control Board, or a California regional water quality control board, from requiring one of those persons to take a response action under certain state laws. The act also requires a bona fide ground tenant, as defined, who seeks to qualify for immunity to make all appropriate inquiries and enter into an agreement with an agency along with one or more specified entities that agree to take responsibility for implementation of a site assessment and response plan. The act is

repealed on January 1, 2010, unless a later enacted statute deletes or extends that date.

Existing law, which becomes operative on January 1, 2010, provides for the continued immunity of a person subject to the act before its repeal, after the repeal of the act, if the person continues to comply with the repealed act.

This bill would ~~delete~~ *extend* the repeal date of the act, ~~thereby continuing the act indefinitely to January 1, 2017.~~ The bill ~~also would repeal~~ *make* the provisions providing for continued immunity after repeal of the act *operative on January 1, 2017.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25395.109 of the Health and Safety Code
2 is amended to read:

3 25395.109. This chapter shall remain in effect only until
4 January 1, ~~2010~~ 2017, and as of that date is repealed, unless a later
5 enacted statute, that is enacted before January 1, ~~2010~~ 2017, deletes
6 or extends that date.

7 SEC. 2. Section 25395.110 of the Health and Safety Code is
8 amended to read:

9 25395.110. (a) A person who, before January 1, ~~2010~~ 2017,
10 qualifies for immunity pursuant to Chapter 6.82 (commencing
11 with Section 25395.60), as that chapter read on December 31, ~~2009~~
12 2016, shall continue to have that immunity on and after January
13 1, ~~2010~~ 2017, if the person continues to be in compliance with the
14 requirements of former Chapter 6.82 (commencing with Section
15 25395.60), including, but not limited to, compliance with all
16 response plans approved pursuant to Article 6 (commencing with
17 Section 25395.90) of *former* Chapter 6.82, and compliance with
18 all other applicable laws.

19 (b) This article shall become operative January 1, ~~2010~~ 2017.

20 SECTION 1. ~~Article 8 (commencing with Section 25395.109)~~
21 ~~of Chapter 6.82 of Division 20 of the Health and Safety Code is~~
22 ~~repealed.~~

23 SEC. 2. ~~Article 1 (commencing with Section 25395.110) of~~
24 ~~Chapter 6.83 of Division 20 of the Health and Safety Code is~~
25 ~~repealed.~~

1 ~~SEC. 3.—The heading of Article 2 (commencing with Section~~
2 ~~25395.115) of Chapter 6.83 of Division 20 of the Health and Safety~~
3 ~~Code is amended and renumbered to read:~~

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5 Article 1. Public Information

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